

TITLE 36, CHAPTER 21.1, ARTICLE 3 AUTOMATED EXTERNAL DEFIBRILLATORS

36-2261. Definitions

In this article, unless the context otherwise requires:

1. "Automated external defibrillator" means a medical device heart monitor and defibrillator that:
 - (a) Is approved for premarket modification by the United States food and drug administration pursuant to 21 United States Code section 360(k).
 - (b) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining, without intervention by an operator, if defibrillation should be performed.
 - (c) Automatically charges and delivers an electrical impulse to a person's heart when it determines that defibrillation should be performed.
2. "Defibrillation" means the administration of a controlled electrical charge to the heart to restore a viable cardiac rhythm.
3. "Physician" means a physician who is licensed pursuant to title 32, chapter 13 or 17, and who provides medical oversight services pursuant to section 36-2262.

36-2262. Automated external defibrillators; training; use; requirements; definition

A. Except as provided in section 36-2264, a person or entity that acquires an automated external defibrillator shall:

1. Enter into an agreement with a physician who shall oversee all aspects of public access to defibrillation, including training, emergency medical services coordination, protocol approval, standing orders, communications, protocols and automated external defibrillator deployment strategies.
2. Limit the use of an automated external defibrillator to trained responders.
3. Require each trained responder who uses an automated external defibrillator on a person in cardiac arrest to:
 - (a) Call telephone number 911 as soon as possible.
 - (b) Submit a written report to the physician, within five working days after its use.

B. The physician shall:

1. Establish quality assurance guidelines that include a review of each use of the automated external defibrillator to evaluate performance.
2. Be proficient in emergency medical services protocols, cardiopulmonary resuscitation and the use of automated external defibrillators.
3. Ensure that each trained responder receives training in cardiopulmonary resuscitation and in the use of an automated external defibrillator by completing the heart saver automated external defibrillator course for the lay rescuer and first responder, in effect as of December 31, 1998, adopted by the American heart association or an equivalent course that meets the same objectives.
4. Ensure that the automated external defibrillator is maintained and tested according to the manufacturer's guidelines.

C. For the purposes of this section, "trained responder" means a person who meets the requirements of subsection B, paragraph 3 of this section.

36-2263. Civil liability; limited immunity; good samaritan

The following persons and entities are not subject to civil liability for any personal injury that results from any act or omission that does not amount to wilful misconduct or gross negligence if that person or entity complies with the requirements of section 36-2262:

1. A physician who provides supervisory services pursuant to section 36-2262, subsection B.
2. A person or entity that provides training in cardiopulmonary resuscitation and use of an automated external defibrillator.
3. A person or entity that acquires an automated external defibrillator pursuant to this article.
4. The owner of the property or facility where the automated external defibrillator is located.
5. A trained responder as defined in section 36-2262, subsection C.

36-2264. Exemption from regulation

- A. A person who obtains an automated external defibrillator for home use pursuant to a physician's prescription is exempt from the requirements of this article.
- B. A person who is employed as a fire fighter, emergency medical technician or paramedic by a fire district established pursuant to title 48, chapter 5, is exempt from the requirements of this article.
- C. A person who is employed as a fire fighter, emergency medical technician or paramedic by a public or private fire department or an ambulance service regulated by title 36, chapter 21.1, is exempt from the requirements of this article.